

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7270 OF 2007
WITH
WRIT PETITION NO. 7273 OF 2007
WITH
WRIT PETITION NO. 7274 OF 2007

Sbabbir Shamshuddin Shaikh (W.P.No.7270 & 7273/07)
Moula Ismail Pathan (W.P.No.7274/07)..... Petitioners
V/s
Sahyadri Nagari Sahakari Pat Sanstha Ltd. & Ors.. Respondents.

Mr.Umesh Mankapure, Adv. For the petitioners.

Mr.R.V.Govilkar, Adv. For the respondent No.1

MR.R.M.Patne, AGP for respondent No.2.

CORAM: A.P.DESHPANDE, J.

24/10/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

The respondent-Credit Cooperative Society has obtained a certificate under section 101 of the Maharashtra State Cooperative Societies Act, (the “Act”). Aggrieved by the grant of of certificate the present petitioners preferred a revision under section 154 of the Act. The revisions preferred by the petitioners came to be dismissed on account of non-compliance of the provisions contained in sub-section 2A of section 154 which obliges the revision applicants to deposit 50% of the amount covered by the

recovery certificate. Perused the order. Same does not suffer from any illegality. On the contrary the insistence on the part of the Divisional Joint Registrar is to seek compliance of law. Learned counsel for the petitioners submits that the petitioner will deposit the amount as required to be deposited under sub-section 2A of section 154 with the respondent-society within a period of six weeks from today and thus a limited prayer is made to restore the revision applications and decide the same in accordance with law after the petitioner complies with the undertaking in regard to deposit of 50% of the amount with the respondent within aforesaid period of six weeks. The prayer made is reasonable. Learned counsel for the respondent-society does not oppose the same. Hence writ petitions are partly allowed. Impugned order passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur dated 12.9.07 is quashed and set aside. The petitioner is permitted to deposit 50% of the amount as required by section 154(2A) of the Act with respondent-cooperative credit society within six weeks from today. On such deposit being made revision applications shall stand restored and the Divisional Joint Registrar shall proceed to decide the same in accordance with law. Learned counsel for the petitioners submits that the petitioners are having FDRs which FDRS have matured and hence it is submitted that the said amount be returned to the petitioners or adjusted towards 50% amount. Learned counsel for the respondent opposes said prayer by submitting that the attachment of FDRs relates to a different account and is not the subject matter of these petitions. I do not

propose to go into this issue. However it is made clear that after petitioners deposit 50% of the amount with respondent No.1-society it shall be open for the petitioners to make appropriate prayer before the revisional authority in this regard. The respondent No.1 shall not execute recovery certificate for a period of six weeks from today. Rule made absolute in above terms.

24.10.07